

Remarks

Reconsideration and withdrawal of the rejections of all pending claims are respectfully requested in view of the following remarks:

The instant claims are virtually identical to the claims previously presented. Only Claim 27 has been amended, and that has been done merely to correct an obvious typographical error.

Claims 22-31, 33-36, 42 and 44 stand rejected as having been obvious to one of ordinary skill in the art over McWilliams United States patent No. 5,961,867. Claim 32 stands rejected as having been obvious over McWilliams, taken further in view of Ueda United States patent No. 4, 410,795, and Claims 37-41 stand rejected as having been obvious over McWilliams taken further in view of Higgins United States patent No. 6,018,149 or Gössler United States patent No. 4,437,432.

It is respectfully submitted that these rejections are without merit, and are clearly in error.

The present invention provides a safety feature to accommodate circumstances in which a user of a cooking appliance has left a heater thereof switched on, and has departed or become grossly inattentive. In accordance with the claimed method, the heater of the appliance is switched from full power to a lower power, after a predetermined period of time, in order to prevent damage to an adjacent wall.

McWilliams,¹ on the other hand, provides a control method in which an initial boost of heating power, above that which would normally be considered safe for the overlying, glass ceramic cook top, is applied to an electric heater. After a short period of time, McWilliams reduces the applied power to a conventional full-power value, so as to preserve the working life of the glass ceramic material.

Apart from the mundane fact that power control of an electric heater is involved, the concept of the instant method, and that of the McWilliams patent, are completely unrelated to one another.

More particularly, McWilliams is concerned with providing an initial boost, above normal full power, to a cooking process effected on a glass ceramic cook top so as to bring the contents of a cooking utensil more quickly to a desired high temperature (typically, to the boil), but without the accompanying drawback of significantly reducing the working life of the glass ceramic material. That is achieved by allowing the operating temperature of the glass ceramic material to exceed, by a limited amount *and for only a short period of a few minutes*, its continuous safe working temperature.

In obvious contradistinction, the problem addressed by the present method arises when a heater of a glass ceramic cooking appliance is accidentally left on at full power, *for a substantial period of time*; the emitted radiant energy can heat adjacent walls, furniture, and other structures to potentially dangerous temperatures. That

¹ It is to be noted that the McWilliams patent, as well as the Higgins reference, is of common assignment with the instant application.

problem is overcome, in accordance with Applicants' invention, by setting a relatively long time limit, of 20-50 minutes, for the initial period of energization of the cooking plate at the "first" temperature level. The defined conditions represent a compromise between allowing a period of time that is of sufficient duration to ensure that the heater has in fact been left on accidentally, while at the same time being sufficiently brief that damage to the surrounding structures would not result.

Under normal circumstances, a radiant heater, assembled in a glass ceramic cooking appliance, is run at full power for only a relatively short period of time, after which the heater is reset by the user to a lower power. For example, the heater may be run at full power for about ten minutes to bring the contents of a utensil to the boil, and will thereafter be run at a reduced power so as to allow the contents of the utensil to simmer.

The limitations recited in Claim 22 of the present application clearly distinguish the instant invention over the prior art. It is respectfully submitted that the Examiner has either overlooked those limitations, or has not adequately appreciated their significance.

In particular, according to the method of Claim 22 the heater is allowed to operate at full power for a predetermined initial period, after which it is run at a reduced power, lower than full power, so as to decrease the temperature. According to the McWilliams method, on the other hand, the heater is initially run, during a boost period, at a power *greater* than that which would normally be considered its full

power. At the end of the boost period, McWilliams reduces the power to the normal full power level, to complete a bring-to-boil operation, for example, before effecting a further reduction of the power level.

The Examiner must appreciate that the relative time periods are important. The boost period required by McWilliams is necessarily short, being of only such duration as is sufficient to bring the contents of a cooking utensil to the boil, in accordance with what is of more course a common cooking procedure. If the boosted power level were instead to be of significant duration, the working life of the glass ceramic material would be reduced significantly and commensurately.

On the other hand, accidentally leaving a heater on at full power is a rare occurrence, and is to be clearly distinguished from a normal, bring-to-boil operation. Control to accommodate such an accidental situation is uniquely accomplished, in the accordance with present invention, by predetermining an extended time period that must elapse before the power level is reduced to a level that is less than full power.

The two situations are inherently different. The one situation (bringing the contents of a utensil to the boil) is conventional and commonplace. The other (accidentally leaving a heater on at full power) occurs only very rarely.

In view of the foregoing, it is respectfully submitted that one skilled in the art would simply not turn to McWilliams when seeking a solution to the problem of excessive temperatures, arising under the exceptional circumstances, to which the

present method is directed. But even if he did turn to McWilliams, the necessary teaching certainly would not be found.

The secondary references do not cure the fundamental deficiencies of McWilliams. Thus, it is evident that no claim of the application would have been obvious to one of ordinary skill in the art at the time the present invention was made.

Passage of the application to allowance is believed to be clearly in order. Such action is earnestly solicited.

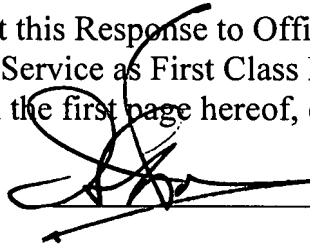
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CERTIFICATE OF MAILING

I, IRA S. DORMAN, hereby certify that this Response to Office Action is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed as set forth on the first page hereof, on September 25, 2007.



cc: Derek C. Jackson, Esq.
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